

ORDINANCE NO. 239

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MALIBU ADOPTING THE CITY'S PERSONNEL SYSTEM AND
AMENDING THE MUNICIPAL CODE.**

THE CITY COUNCIL OF THE CITY OF MALIBU DOES HEREBY ORDAIN AS
FOLLOWS:

Section 1. Chapter 2.64 of the Malibu Municipal Code is amended to read as follows:

2.64.010 Adoption of a Personnel System. The purpose of this chapter is to ensure an equitable and uniform system for dealing with personnel matters, and to comply with laws applicable to the employment relationship and the administration of the personnel system.

2.64.020 Definitions. The terms used to administer the personnel system shall be defined in the personnel rules, as adopted by the City Council and the Administrative Guidelines, as administered by the City Manager.

2.64.030 Administration. The City Manager shall administer the City's personnel system and may delegate any of his/her powers and duties to an officer or employee of the City, or may recommend that such powers and duties be performed under contract as provided herein. The City Manager shall:

- A. Act as the appointing authority for the City for all positions in the City service except City Manager, City Attorney and City Treasurer/Auditor;
- B. Administer the provisions of this Chapter and of the personnel rules and Administrative Guidelines, except those powers specifically reserved to the City Council;
- C. Prepare and recommend revisions and amendments to the personnel rules for review by the Administration and Finance Subcommittee and approval by the City Council;
- D. Prepare or cause to be prepared a position classification plan including class specifications, a comprehensive compensation plan including economic benefits provided to employees, and the City's personnel rules and any revisions thereof. Such plans and policies, and any revisions thereof, shall become effective only upon approval by resolution of the City Council;

- E. Prepare Administrative Guidelines for the implementation of the City's personnel rules intended to address specific administrative matters. Such Administrative Guidelines, and any amendments thereof, shall be signed and dated by the City Manager and distributed to all employees at the earliest opportunity. Administrative Guidelines carry the same weight as the personnel rules;
- F. Set standards and levels of service;
- G. Determine methods, means, and numbers and kinds of personnel by which government operations are to be conducted within the confines of the adopted budget;
- H. Determine and/or change the facilities, methods, technology, means or organizational structure and size and composition of the work force and allocate and assign work by which the City operations are to be conducted within the confines of the adopted budget;
- I. Demote, reprimand, reduce in pay, suspend, or terminate any regular employee. If the employee is classified, this action shall be taken in accordance with procedures included in the personnel rules;
- J. Recruit, select and appoint qualified employees;
- K. Prepare, maintain and act as custodian of all necessary and appropriate personnel records and shall be the official upon whom all notices, requests for hearings, complaints, subpoenas and other personnel-related documents shall be served;
- L. Maintain a roster of officials and employees of the City;
- M. Conduct written performance reviews annually and as otherwise needed.

2.64.040 Classified and Unclassified Service.

- A. The classified service of the City shall include all offices, positions and employments in the service of the City, except:
 - 1. Elective officers;
 - 2. Employees retained pursuant to an employment agreement including, but not limited to, the City Manager, City Attorney, City Clerk, Department Directors, Division Managers and the City Treasurer/Auditor;

3. Members of appointive boards, commissions, committees, study groups and task forces;
 4. Persons engaged as independent contractors as defined by the Internal Revenue Service who provide expert, professional, technical or other service in a manner that can be differentiated from the classified employees of the City;
 5. Persons employed on a temporary, seasonal or part-time basis defined as working less than 32 hours per work week or 64 hours per bi-weekly pay period;
 6. Volunteers defined as anyone performing duties for the City without monetary or in-kind service remuneration;
 7. Emergency employees who are hired to meet the immediate requirements of an emergency condition, such as, but not limited to fire, flood, or earthquake;
 8. Employees, who are hired for a definite term in a non-budgeted position, who are working less than 1040 hours per fiscal year and have not completed a probationary period;
 9. Any position primarily funded under a state or federal employment program;
 10. Any other position, office, or employment not authorized as of effective date of the Ordinance and which is expressly excluded by subsequent ordinance adopted by the City Council.
- B. Employees not included in the classified service pursuant to this section shall have no property right in their position, shall serve at the pleasure of the appointing authority and may be terminated or demoted without cause or notice. Such employees are referred to as “unclassified” employees.

2.64.050 Adoption and Amendment of Rules. Personnel rules, prepared by the City Manager and subject to the provisions herein shall be submitted for approval to the City Council. Rules that have been adopted by City Council resolution shall also be amended by City Council resolution. The City Manager may clarify personnel rules with Administrative Guidelines. The personnel rules may establish policies including:

- A. Preparation, installation, revision, and maintenance of a position classification plan covering all position in the classified service, including employment standards and qualifications for each position;

- B. Appropriate announcement of the selection process and acceptance of applications for employment;
- C. Preparation and conduct of tests and the establishment and use of employment lists containing names of persons eligible for appointment in the classified service;
- D. Certification and appointment of persons from employment lists, and the making of provisional appointments;
- E. Establishment of probationary periods;
- F. Evaluation of employees during the probationary period and thereafter;
- G. Transfer, promotion, demotion, reinstatement, disciplinary action and layoff of employees in the classified service;
- H. Separation of employees from City service;
- I. The establishment and maintenance of adequate personnel records for purposes of accounting and legal requirements;
- J. The establishment of any necessary disciplinary appeal and grievance procedures;
- K. The establishment of compensable and non-compensable leave time, including method of accrual and maximum accrual amounts.

2.64.060 Appointments in the Classified Service. Appointments to positions in the classified service shall be made in accordance with the personnel rules. Except in connection with the position of City Manager, the appointing authority of employees is the City Manager. The City Manager may delegate the appointing authority to any other officer or employee of the City. The City Council shall have the sole authority to appoint the City Manager.

2.64.070 City Council Participation in the Process of Hiring Department Directors. The City Council may participate in the interview process in connection with the selection of the City Clerk and Department Directors, and may make recommendations to the City Manager as to the candidates for such positions. The City Manager shall be the final authority to select such candidates. The City Council may designate two members of the City Council to observe a panel established by the City Manager to interview such candidates. The City Council may also submit questions to the City Manager to be asked of the candidates by the panel. Thereafter, all members of the City Council may review all the applications and interview the final candidates

selected by the City Manager from the previous interviews, and thereafter the entire City Council may make a recommendation to the City Manager for selection. The City Manager shall give due consideration to the recommendations of the City Council prior to his/her final selection of an individual to a position.

Section 2. The City Clerk shall certify the adoption of this Ordinance.

JEFFREY JENNINGS, Mayor

ATTEST:

LISA POPE, City Clerk

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney